

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JORGE GOMEZ,

Plaintiff,

- v -

Civ. No. 9:21-CV-658  
(GTS/DJS)

J. B. FOSTER, *et al*,

Defendants.

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**APPEARANCES:**

**OF COUNSEL:**

JORGE GOMEZ  
72297-054  
Plaintiff, *pro se*  
FCI Fairton  
P.O. Box 420  
Fairton, NJ 08320

HON. CARLA B. FREEDMAN  
U.S. Attorney for the Northern District of New York  
Attorney for Defendants  
445 Broadway, Room 218  
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C. HARRIS DAGUE, ESQ.  
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**DANIEL J. STEWART**  
**United States Magistrate Judge**

**DECISION AND ORDER**

This Decision and Order addresses several pending motions by *pro se* Plaintiff Jorge Gomez.

First, Plaintiff has moved to compel discovery. Dkt. No. 121. Specifically, Plaintiff seeks responses from Defendants as to outstanding discovery demands. *Id.* at p. 1. Following the filing of that Motion, this Court extended Defendants' time to respond to those discovery

demands. Dkt. No. 128. Those responses have now been provided. Dkt. Nos. 143 & 145. Plaintiff's request to compel those responses is, therefore, denied as moot.

Plaintiff has also renewed his request for appointed counsel. Dkt. No. 138. Multiple prior requests for the appointment of counsel have been denied. Dkt. Nos. 45, 65, 86, 92, & 130. The Court's most recent denial cautioned Plaintiff against renewed requests absent a change of circumstances. Dkt. No. 130 at p. 5. The present Motion does not offer any change of circumstances that warrants reconsideration of the Court's prior Orders denying the appointment of counsel. Plaintiff's Motion, therefore, is denied.<sup>1</sup>

**ACCORDINGLY**, it is hereby

**ORDERED** that Plaintiff's Motions to Compel (Dkt. No. 121) and for Appointment of Counsel (Dkt. No. 138) are **DENIED**; and it is further

**ORDERED** that the Clerk serve a copy of this Decision and Order on the parties.

**IT IS SO ORDERED.**

Date: December 29, 2022  
Albany, New York



Daniel J. Stewart  
U.S. Magistrate Judge

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<sup>1</sup> The Court notes that Plaintiff's Motion seeks "appointment of counsel, for expert testimony" and then recites certain areas as to which counsel might assist him in obtaining an expert. Dkt. No. 138 at p. 2. To the extent the Motion could be interpreted as one for the actual appointment of an expert, it is denied. Plaintiff has no right to the appointment of an expert and has not made a showing warranting such an appointment at this time. *Muhammad v. Wright*, 2011 WL 1458064, at \*2 (W.D.N.Y. Apr. 15, 2011) ("Given the large number of cases involving indigent prisoners, and the substantial costs that may result, appointment of an expert should be used sparingly").